

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

W. Simone Nicholson
Special Assistant Corporation Counsel
Office: (212) 356-2455

October 13, 2023

VIA ECF

The Honorable Jennifer H. Rearden
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *T.L. v. N.Y.C. Dep't of Educ., et al.*, 23-6225 (JHR)(BC)

Dear Judge Rearden:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendants in the above-referenced action, wherein Plaintiffs allege violations pursuant to the Individuals with Disabilities in Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794; *et seq.*

I write to request that the Court stay the action and Defendants time to respond to the Complaint until November 13, 2023. I apologize for the late request and the inconvenience to the Court; this request should have been included in the Plaintiff's October 12 letter to the Court (ECF 26). This is the first request for a stay and Plaintiff consents. As per Plaintiff's letter, they have agreed to withdraw the claims for a Temporary Restraining Order/Preliminary Injunction without prejudice and are considering withdrawing all remaining claims and voluntarily dismissing the action. Defendants assert that the parties should have an opportunity to confer regarding whether this action will proceed before they respond to the complaint. If, as Defendant believes is appropriate, Plaintiff agrees to dismiss the action in its entirety, no answer or response to the Complaint is necessary, and the parties will execute a stipulation of dismissal with no further action required by the Court. If by October 26 (as per Plaintiff's letter), the parties have been unable to come to an agreement to dismiss the Complaint, Defendants will need a short period of time to determine how to proceed, i.e., whether to file an answer or move to dismiss pursuant to FRCP 12 (b)(6). The stay will in no way prejudice the plaintiff as the student is attending school, receiving services, has consistently been accompanied to school by a transportation paraprofessional, and his pick-up time has been adjusted to minimize the wait that occurs when the student arrives at school. There are no pending dates or deadlines that will be affected other than Defendants time to respond to the Complaint, and a stay will potentially avoid motion practice or any further conferences.

In consideration of the preceding, Defendants request that the Court stay the action and accordingly, Defendants' time to answer, until November 13, 2023

Thank you for considering this submission.

Respectfully submitted,

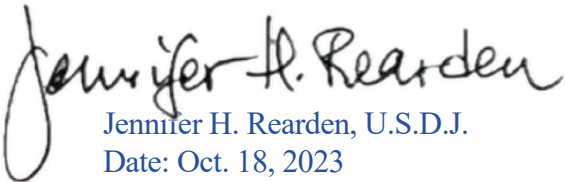
s/

W. Simone Nicholson
Special Assistant Corporation Counsel

cc: Elisa Hyman, The Law Office of Elisa Hyman, *Counsel for Plaintiff* (via ECF)
Nicolas Apter-Vidler, The Law Office of Elisa Hyman, *Counsel for Plaintiff* (via ECF)

Application GRANTED. Defendants' time to respond to the Complaint is extended *nunc pro tunc* to November 13, 2023.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.
Date: Oct. 18, 2023